

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-2947

Joshua J. Israel,

Petitioner,

v.

Department of Labor, Administrative
Review Board,

Respondent.

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Petition for Review of an
Order of the United States
Department of Labor.

[UNPUBLISHED]

Submitted: May 7, 2012
Filed: May 10, 2012

Before WOLLMAN, MELLOY, and SMITH, Circuit Judges.

PER CURIAM.

Joshua J. Israel filed an administrative complaint, alleging that his employer retaliated against him for engaging in activities protected under the Surface Transportation Assistance Act. An administrative law judge recommended denying Israel's complaint. The United States Department of Labor Administrative Review Board (ARB) reviewed the administrative law judge's recommendation and issued a final decision denying Israel's complaint. Israel petitions for review.

Having carefully reviewed the record, we conclude that the ARB's decision is not arbitrary, capricious, an abuse of discretion, contrary to the law, or unsupported by substantial evidence in the record. See 49 U.S.C. § 31105(d) (appellate court reviews ARB's decision pursuant to Administrative Procedure Act (APA)); 5 U.S.C. § 706(2) (reviewing court shall hold unlawful and set aside agency decisions if they are found to be arbitrary, capricious, abuse of discretion, or otherwise not in accordance with law, or if unsupported by substantial evidence in record as whole); see also R&B Transp., LLC v. U.S. Dep't of Labor, Admin. Review Bd., 618 F.3d 37, 44 (1st Cir. 2010) (ARB's final decision is reviewed in accordance with APA). Accordingly, we deny the petition. See 8th Cir. R. 47B.
